

JS 44(Rev. 3/99)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September, 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM).

I. (a) PLAINTIFFS

Doreen A. Angelo
1227 Ocean Parkway
Ocean Pines, MD 21811

(b) County Of Residence Of First Listed Plaintiff Maryland
(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS

Pier 1 Imports, Inc.
Pier 1 Imports (U.S.), Inc.
2310 South Christopher Columbus Boulevard
Philadelphia, PA 19148

County Of Residence Of First Listed Defendant Philadelphia
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS AND TELEPHONE NO.)

J. Davy Yockey, Esquire
Flager & Yockey, P.C.
One Northbrook Corporate Center
Suite 280
Trevose, PA 19053
(215) 953-5200

ATTORNEYS (IF KNOWN)
Daniel S. Altschuler, Esquire
Robert J. Balch, Esquire
Post & Schell, P.C.
Four Penn Center, 13th Floor
1600 John F. Kennedy Boulevard
Philadelphia, PA 19103
(215) 587-1107

II. BASIS OF JURISDICTION

(Place an X in ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an X in

(For Diversity Cases Only) ONE BOX for Plaintiff and ONE BOX for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input checked="" type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders's Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury—Med Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending Liability <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395FF) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC (405(g)) <input type="checkbox"/> 863 DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes <input type="checkbox"/> 871 IRS-Third Party 28 USC 7609 <input type="checkbox"/> 875 Customer Challenge 12 USC 3410	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks & Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Others <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION (Cite The U.S. Civil Statute Under Which You Are Filing And Write Brief Statement Of Cause. Do Not Cite Jurisdictional Statutes Unless Diversity.)

28 U.S.C. Section 1332

VII. REQUESTED IN COMPLAINT	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	DEMAND \$ in excess of \$50,000.00	CHECK YES only if demanded in complaint: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
VIII. RELATED CASE(S) IF ANY	(See instructions):	JUDGE _____	DOCKET NO. _____
DATE July 3, 2012	SIGNATURE OF ATTORNEY OF RECORD _____		
FOR OFFICIAL USE ONLY			
RECEIPT # _____	AMOUNT _____	APPLYING IFP _____	JUDGE _____ MAG. JUDGE _____

JS 44 Reverse (Rev. 12/96)

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-44

Authority For Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) *Plaintiffs – Defendants.* Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) *County of Residence.* For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved).

(c) *Attorneys.* Enter firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. *Jurisdiction.* The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below:

United States plaintiff. (1) Jurisdiction is based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. *Residence (citizenship) of Principal Parties.* This section of the JS-44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. *Cause of Action.* Report the civil statute directly related to the cause of action and give a brief description of the cause.

V. *Nature of Suit.* Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section IV above, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of the suit. If the cause fits more than one nature of suit, select the most definitive.

VI. *Origin.* Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C. Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgement. (7) Check this box for an appeal from a magistrate's decision.

VII. *Requested in Complaint.* Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. *Related Cases.* This section of the JS-44 is used to reference relating pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: Doreen A. Angelo, 1227 Ocean Parkway, Ocean Pines, MD 21811

Address of Defendant: Pier 1 Imports, Inc./Pier 1 Imports (U.S.), Inc., 2310 South Christopher Columbus Boulevard, Philadelphia, PA 19148

Place of Accident, Incident or Transaction: Lawrenceville, NJ
(Use Reverse Side For Additional Space)

Does this civil action involve a non-governmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☒

Does this case involve multi-district litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☒

CIVIL: (Place _ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases
(Please specify)

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☒ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases
(Please specify)

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Daniel S. Altschuler, Esquire, counsel of record do hereby certify:

- ☒ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: July 3, 2012 Daniel S. Altschuler, Esquire
Attorney-at-Law

49470
Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: July 3, 2012 Daniel S. Altschuler, Esquire
Attorney-at-Law

49470
Attorney I.D.#

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

DOREEN A. ANGELO	:	CIVIL ACTION
	:	
v.	:	
	:	NO.
PIER 1 IMPORTS, INC. and		
PIER 1 IMPORTS (U.S.), INC.		

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

<u>7/3/2012</u>	<u>Daniel S. Altschuler, Esquire</u>
Date	Attorney-at-law
	Attorney for Pier 1 Imports, Inc. and Pier 1 Imports (U.S.), Inc.

<u>(215) 587-1107</u>	<u>(215) 320-4143</u>
Telephone	FAX Number

E-Mail Address: daltschuler@postschell.com

(Civ. 660) 10/02

**Civil Justice Expense and Delay Reduction Plan
Section 1:03 - Assignment to a Management Track**

(a) The clerk of court will assign cases to tracks (a) through (d) based on the initial pleading.

(b) In all cases not appropriate for assignment by the clerk of court to tracks (a) through (d), the plaintiff shall submit to the clerk of court and serve with the complaint on all defendants a case management track designation form specifying that the plaintiff believes the case requires Standard Management or Special Management. In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

(c) The court may, on its own initiative or upon the request of any party, change the track assignment of any case at any time.

(d) Nothing in this Plan is intended to abrogate or limit a judicial officer's authority in any case pending before that judicial officer, to direct pretrial and trial proceedings that are more stringent than those of the Plan and that are designed to accomplish cost and delay reduction.

(e) Nothing in this Plan is intended to supersede Local Civil Rules 40.1 and 72.1, or the procedure for random assignment of Habeas Corpus and Social Security cases referred to magistrate judges of the court.

**SPECIAL MANAGEMENT CASE ASSIGNMENTS
(See §1.02 (e) Management Track Definitions of the
Civil Justice Expense and Delay Reduction Plan)**

Special Management cases will usually include that class of cases commonly referred to as "complex litigation" as that term has been used in the Manuals for Complex Litigation. The first manual was prepared in 1969 and the Manual for Complex Litigation Second, MCL 2d was prepared in 1985. This term is intended to include cases that present unusual problems and require extraordinary treatment. See §0.1 of the first manual. Cases may require special or intense management by the court due to one or more of the following factors: (1) large number of parties; (2) large number of claims or defenses; (3) complex factual issues; (4) large volume of evidence; (5) problems locating or preserving evidence; (6) extensive discovery; (7) exceptionally long time needed to prepare for disposition; (8) decision needed within an exceptionally short time; and (9) need to decide preliminary issues before final disposition. It may include two or more related cases. Complex litigation typically includes such cases as antitrust cases; cases involving a large number of parties or an unincorporated association of large membership; cases involving requests for injunctive relief affecting the operation of large business entities; patent cases; copyright and trademark cases; common disaster cases such as those arising from aircraft crashes or marine disasters; actions brought by individual stockholders; stockholder's derivative and stockholder's representative actions; class actions or potential class actions; and other civil (and criminal) cases involving unusual multiplicity or complexity of factual issues. See §0.22 of the first Manual for Complex Litigation and Manual for Complex Litigation Second, Chapter 33.

POST & SCHELL, P.C.

BY: DANIEL S. ALTSCHULER, ESQUIRE

E-MAIL: daltschuler@postschell.com

I.D. # 49470

BY: ROBERT J. BALCH, ESQUIRE

E-Mail: rbalch@postschell.com

I.D. # 202990

FOUR PENN CENTER

1600 JOHN F KENNEDY BLVD.

PHILADELPHIA, PA 19103

215-587-1000

Attorneys for DEFENDANTS

DOREEN A. ANGELO

Plaintiffs,

v.

PIER 1 IMPORTS, INC. and PIER 1
IMPORTS (U.S.), INC.,

Defendants.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF
PENNSYLVANIA

NO.

PETITION FOR REMOVAL

Defendants, Pier 1 Imports, Inc. and Pier 1 Imports (U.S.), Inc., by and through their counsel, hereby seek removal of the above-captioned action pursuant to 28 U.S.C. §1441, *et seq.* and §1446 *et seq.*, which is presently pending in the Court of Common Pleas of Philadelphia County, June Term, 2012, No.: 0949. In support thereof, Defendants aver as follows:

BACKGROUND

1. This civil action was originally commenced on June 8, 2012 by the filing of a Complaint in the Court of Common Pleas of Philadelphia County.

2. In her Complaint, Plaintiff claims to have been struck on the head, neck and shoulders by a falling wooden giraffe while shopping at a Pier 1 Imports store located at or about 2310 South Christopher Columbus Blvd., Philadelphia, PA on June 10, 2010. See Exhibit "A,"

¶¶ 4 and 6.

3. Defendants, Pier 1 Imports, Inc. and Pier 1 Imports (U.S.), Inc. were first served with the Complaint on June 12, 2012. A true and correct copy of the served Complaint is attached hereto as Exhibit "A" and a true and correct copy of the Affidavit of Service is attached hereto as Exhibit "B".

BASIS FOR REMOVAL TO FEDERAL COURT

4. Plaintiff alleges that she is an adult citizen resident of the State of Maryland with an address of 1227 Ocean Parkway, Ocean Pines, Maryland. See Exhibit "A".

5. Defendant, Pier 1 Imports, Inc., is a Delaware Corporation with a principal place of business located at 100 Pier 1 Place, Fort Worth, TX 76102. See the Affidavit of Shannon K. Hester, Legal Department Manager for Pier 1 Services Company, an affiliate of Pier 1 Imports (U.S.), Inc. and a subsidiary of Pier 1 Imports, Inc. attached hereto as Exhibit "C".

6. Defendant, Pier 1 Imports (U.S.), Inc., a subsidiary of Pier 1 Imports, Inc., is a Delaware corporation which likewise maintains a principal place of business located at 100 Pier 1 Place, Fort Worth, TX 76102. See the Affidavit of Shannon K. Hester, Legal Department Manager for Pier 1 Services Company, an affiliate of Pier 1 Imports (U.S.), Inc. and a subsidiary of, Pier 1 Imports, Inc. attached hereto as Exhibit "C".

7. As a result of the alleged incident, Plaintiff alleges to have suffered significant and permanent injuries including but not limited to:

- injuries to her head resulting in cognitive impairment;
- spinal damage with radiculopathy;
- injuries to her neck, back and shoulders;
- headaches; and
- other damage to her body resulting in a loss of earnings and/or loss of earning capacity, past and future medical expenses, pain-and-suffering, mental anguish, and loss of life's pleasures and activities.

See Exhibit "A," ¶¶ 9 – 13.

8. Accordingly, based upon the allegations in the Complaint including Plaintiff's alleged injuries and damages, the amount in controversy exceeds the jurisdictional limits.

9. The instant civil action therefore satisfies diversity of citizenship jurisdiction pursuant to 28 U.S.C. §1332 insofar as all parties are of diverse citizenship and the amount in controversy is in excess of \$75,000.00.

10. This Petition for Removal, and related papers, is timely under 28 U.S.C. §1446(b) because it has been filed within thirty (30) days of the date of service of the Complaint, June 12, 2012. See Exhibit "B."

11. Defendants will file copies of this Petition of Removal, and related papers, with the Prothonotary of the Court of Common Pleas of Philadelphia County in order to effect removal of this action pursuant to 28 U.S.C. §1446(d).

12. Simultaneous with the filing of this Petition of Removal, Defendants have given written Notice of Removal to Plaintiff.

WHEREFORE, pursuant to 28 U.S.C. §1441, *et seq.*, and §1446, *et seq.*, Defendants, Pier 1 Imports, Inc. and Pier 1 Imports (U.S.), Inc., respectfully request that the above-captioned matter now pending in the Court of Common Pleas of Philadelphia County be removed to the United States District Court for the Eastern District of Pennsylvania.

Respectfully submitted,

POST & SCHELL, P.C.

Dated: July 3, 2012

By: 

DANIEL S. ALTSCHULER, ESQUIRE
Attorneys for Defendants, Pier 1 Imports, Inc.
and Pier 1 Imports (U.S.), Inc.

POST & SCHELL, P.C.

BY: DANIEL S. ALTSCHULER, ESQUIRE

E-MAIL: daltschuler@postschell.com

I.D. # 49470

BY: ROBERT J. BALCH, ESQUIRE

E-Mail: rbalch@postschell.com

I.D. # 202990

FOUR PENN CENTER

1600 JOHN F KENNEDY BLVD.

PHILADELPHIA, PA 19103

215-587-1000

Attorneys for DEFENDANTS

DOREEN A. ANGELO

Plaintiffs,

v.

PIER 1 IMPORTS, INC. and PIER 1
IMPORTS (U.S.), INC.,

Defendants.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF
PENNSYLVANIA

NO.

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing Notice of Removal of defendant has been filed with the Court and has been served this day by First Class Mail, to the following person:

J. Davy Yockey, Esquire
Flager & Yockey, P.C.
One Northbrook Corporate Center
Suite 280
Trevose, PA 19053

Dated: July 3, 2012

POST & SCHELL, P.C.

By: 

DANIEL S. ALTSCHULER, ESQUIRE
Attorneys for Defendants,
Pier 1 Imports, Inc. and
Pier 1 Imports (U.S.), Inc.

EXHIBIT “A”

CIVIL ACTION COMPLAINT

COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

Court of Common Pleas of Philadelphia County
Trial Division
Civil Cover Sheet

		For Prothonotary Use Only (Docket Number)	
		JUNE 2012	000949
PLAINTIFF'S NAME DOREEN A.. ANGELO		E-Filing Number: 1206013283	
PLAINTIFF'S ADDRESS 1227 OCEAN PARKWAY OCEAN PINES MD 21811		DEFENDANT'S NAME PIER 1 IMPORTS, INC.	
PLAINTIFF'S NAME		DEFENDANT'S ADDRESS 2310 S. CHRISTOPHER COLUMBUS BOULEVARD PHILADELPHIA PA 19148	
PLAINTIFF'S ADDRESS		DEFENDANT'S NAME PIER 1 IMPORTS, INC.	
PLAINTIFF'S NAME		DEFENDANT'S ADDRESS 2310 S. CHRISTOPHER COLUMBUS BOULEVARD PHILADELPHIA PA 19148	
PLAINTIFF'S ADDRESS		DEFENDANT'S NAME PIER 1 IMPORTS (U.S.), INC.	
TOTAL NUMBER OF PLAINTIFFS 1		TOTAL NUMBER OF DEFENDANTS 3	COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Mass Tort <input type="checkbox"/> Commerce <input type="checkbox"/> Settlement <input checked="" type="checkbox"/> Jury <input type="checkbox"/> Savings Action <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Minors <input type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> W/D/Survival <input type="checkbox"/> Other:		
CASE TYPE AND CODE 2S - PREMISES LIABILITY, SLIP/FALL			
STATUTORY BASIS FOR CAUSE OF ACTION			
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)		FILED PRO PROTHY JUN 08 2012 J. MURPHY	
		IS CASE SUBJECT TO COORDINATION ORDER? YES NO	
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>DOREEN A. ANGELO</u> Papers may be served at the address set forth below.			
NAME OF PLAINTIFFS/PETITIONER'S/APPELLANT'S ATTORNEY J. DAVY YOCKEY		ADDRESS 1210 NORTHBROOK DRIVE SUITE 280 TREVOSSE PA 19053	
PHONE NUMBER (215) 953-5200	FAX NUMBER (215) 953-5214		
SUPREME COURT IDENTIFICATION NO. 32815		E-MAIL ADDRESS jackie@flageryockey.com	
SIGNATURE OF FILING ATTORNEY OR PARTY J. DAVY YOCKEY		DATE SUBMITTED Friday, June 08, 2012, 09:43 am	

FINAL COPY (Approved by the Prothonotary Clerk)

FLAGER & YOCKEY, P.C.
BY: J. Davy Yockey, Esquire
I.D. NO. 32815
One Northbrook Corporate Center
Suite 280
Trevose, PA 19053

JURY TRIAL OF 12 HOURS
FILED & DEMANDED
PROthonotary
OFFICE OF THE
JUDICIAL CLERK OF PENNSYLVANIA
Attorney for Plaintiff

IN THE FIRST JUDICIAL DISTRICT OF PENNSYLVANIA

DOREEN A. ANGELO
1227 Ocean Parkway
Ocean Pines, MD 21811

Plaintiff

v.

PIER 1 IMPORTS, INC.
2310 S. Christopher Columbus Blvd.
Philadelphia, PA 19148
and

PIER 1 IMPORTS (U.S.), INC.
2310 S. Christopher Columbus Blvd.
Philadelphia, PA 19148

Defendants

: COURT OF COMMON PLEAS
: PHILADELPHIA COUNTY

NO.

NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that, if you fail to do so, the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Case ID: 120600949

PHILADELPHIA BAR ASSOCIATION
Lawyer Referral and Information Service
One Reading Center
Philadelphia, PA 19107
(215) 238-6333

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademias, la corte puede decidir a favor del demandante y regular que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL. ESTA OFICINA PUEDE PROVEERLO CON LA INFORMACION NECESARIA PARA ALQUILAR A UN ABOGADO.

SI LE FALTA BASTANTE DINERO PARA ALQUILAR A UN ABOGADO, ES POSIBLE QUE ESTA OFICINA PUEDA PROVEERLO CON LA INFORMACION EN CUANTO A UNAS AGENCIAS LEGALES QUE PUEDE OFRECER UNOS SERVICIOS LEGALES A UN PRECIO REBAJADO PARA LOS QUE SON ELIGIBLES.

ASOCIACION DE LICENCIADOS DE FILADELFA
Servicio De Referencia E Informacion Legal
One Reading Center
Philadelphia, Pennsylvania 19107
(215) 238-6333

Case ID: 120600949

COMPLAINT - CIVIL ACTION

1. Plaintiff, Doreen A. Angelo is an adult individual residing at 1227 Ocean Parkway, Ocean Pines, Maryland.
2. Defendant, Pier 1 Imports, Inc., is a foreign corporation authorized to conduct business in the Commonwealth of Pennsylvania with business location of 2310 S. Christopher Columbus Boulevard, Philadelphia, Pennsylvania.
3. Defendant, Pier 1 Imports (U.S.), Inc., is a foreign corporation authorized to conduct business in the Commonwealth of Pennsylvania with business location of 2310 S. Christopher Columbus Boulevard, Philadelphia, Pennsylvania.
4. On or about June 10, 2010, Plaintiff, Doreen A. Angelo, was a business invitee of the Defendants at their retail premises located at 2310 S. Christopher Columbus Boulevard, Philadelphia, Pennsylvania known as store number 1461 (hereinafter referred to as the "premises").
5. On said date, it was the duty of the Defendants to keep and properly maintain its premises in a reasonably safe condition for its customers. 60292051902102
6. On the above date, Plaintiff, Doreen A. Angelo, was shopping at the Defendants' premises when, without warning, an unsecured wooden giraffe, over several feet tall, fell striking Plaintiff on her head, neck and shoulders. As a result, Plaintiff sustained serious injuries which are more fully described herein.
7. The negligence and carelessness of the Defendants, by and through their agents, servants, workmen and employees, consisted of, but is not limited to, the following:

Case ID: 120600949

- (a) Improper placement of unsecured merchandise on top of furniture which would vibrate and move when customers were opening drawers;
- (b) overstocking merchandise in a confined space creating a dangerous condition upon the premises which was supervised, maintained, controlled and/or owned by the Defendants, after they knew or should have known of said condition;
- (c) failing to give Plaintiff proper and due notice of the likelihood of falling merchandise;
- (d) failing to give Plaintiff proper and adequate protection to which she was entitled to as a business invitee of Defendant;
- (e) failing to inspect and/or negligently inspecting the area in question;
- (f) failing to train personnel regarding the placement of unstable merchandise on top of other products;
- (g) failing to take preventive measures to protect business invitees from injuries caused by falling merchandise despite actual notice of prior similar incidents at this and other stores located in Pennsylvania and throughout the United States, as well as many similar incidents occurring at large retail outlets throughout the country.

8. Defendants had actual and/or constructive notice of the dangerous condition in its store prior to the aforesaid accident, when Plaintiff was seriously injured.

9. As a direct result of the aforesaid negligence and carelessness of the Defendants, Plaintiff, Doreen A. Angelo, sustained serious and painful injuries, including but not

Case ID: 120600949

limited to: injuries to her head resulting in cognitive impairment, spinal damage with radiculopathy, injuries to her neck, back and shoulders, headaches, and damage to her bones, cells, muscles, tissues and nervous system, some or all of which may be permanent in nature.

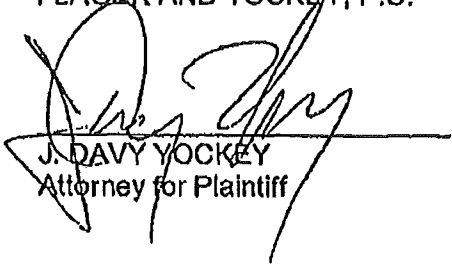
10. As a further result, Plaintiff has suffered loss of earnings and/or loss of earning capacity and a claim is asserted for same.
11. As a further result, Plaintiff has been forced to expend various and diverse sums of money in an effort to treat and cure her injuries and ills and may be required to do so for an indefinite period of time into the future, all to her great financial detriment and loss.
12. As a direct result of the aforesaid accident, Plaintiff has suffered and may in the future suffer great physical pain, mental anguish, emotional suffering, and other non-economic and economic losses.
13. Further, as a result of this accident, Plaintiff has suffered an interference with her usual duties, chores, life's pleasures and activities and may continue to suffer such interference in the future.

20120615076709

WHEREFORE, Plaintiff, DOREEN A. ANGELO, demands judgment against the Defendants, PIER 1 IMPORTS, INC. AND PIER 1 IMPORTS (U.S.), INC., jointly and severally, in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus interest, costs of suit and delay damages.

FLAGER AND YOCKEY, P.C.

BY:


J. DAVY YOCKEY
Attorney for Plaintiff

Case ID: 120600949

JURY DEMAND

Plaintiff hereby demands a jury trial of twelve jurors.

FLAGER & YOCKEY, P.C.

BY:



J. DAVY YOCKEY
Attorney for Plaintiff

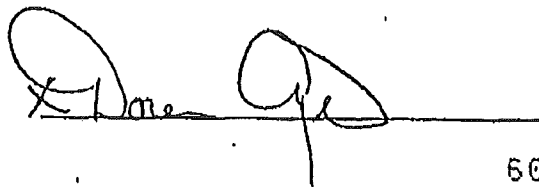
20120615076709

Case ID: 120600949

VERIFICATION BASED UPON PERSONAL KNOWLEDGE
AND INFORMATION SUPPLIED BY COUNSEL

I, Ames Angelo, verify that I am the Plaintiff in the foregoing action and that the attached Complaint is based upon the information which has been gathered by my counsel in preparation of this lawsuit. The language of the Complaint is that of counsel. I have read the Complaint, and to the extent that it is based upon information which I have given to my counsel, it is true and correct to the best of my knowledge, information and belief. To the extent that the contents of the Complaint are that of counsel, I have relied upon counsel in making this Verification.

I understand that intentional false statements herein are made subject to the penalties of 18 Pa. C.S. A. §4904 relating to unsworn falsifications made to authorities.



6/8/12
DATED

20120615076709

Case ID: 120600949

EXHIBIT “B”

AFFIDAVIT OF SERVICE

COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

Affidavit / Return of Service

Plaintiff:	DOREEN A. ANGELO				Court Term & No.: 120600949 E-File# 1206039362
Defendant:	PIER 1 IMPORTS (U.S.), INC. PIER 1 IMPORTS, INC.				Document Served: Plaintiff's Complaint
Serve at:	2310 S. COLUMBUS BOULEVARD				Company Reference/Control No.: 59869, 59870
<p>Served and Made Known to PIER 1 IMPORTS (U.S.), INC. AND PIER 1 IMPORTS, INC. on 06/12/2012 at 02:19 PM, in the manner described below:</p> <p>Agent or person in charge of Party's office or usual place of business. NAME: JEANETTE WASHINGTON, MANAGER</p>					
Description	Age:	Height:	Weight:	Race:	Sex:
	35	5' 2"	125 lbs.	Black	Female
	Other:				
Company Profile: DENNIS RICHMAN SERVICES FOR THE PROFESSIONAL, INC. 1500 J.F.K. BOULEVARD SUITE 1706 PHILADELPHIA PA 19102 PHONE: (215) 977-9393				Name of Server: ALBERT G. MENTZ Being duly sworn according to law, deposes and says that he/she is process server herein names; and that the facts herein set forth above are true and correct to the best of their knowledge, information and belief.	
				Deputy Sheriff:	

FILED AND ATTESTED PRO-PROTHY 24 JUN 2012 11:27 PM

EXHIBIT “C”

AFFIDAVIT OF SHANNON K. HESTER, LEGAL DEPARTMENT

MANAGER FOR PIER 1 SERVICES COMPANY

DOREEN A. ANGELO

Plaintiffs,

v.

PIER 1 IMPORTS, INC. and PIER 1
IMPORTS (U.S.), INC.,

Defendants.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF
PENNSYLVANIA

NO.

AFFIDAVIT IN SUPPORT OF PETITION FOR REMOVAL

I, Shannon K. Hester, state the following to be true:

1. I am an adult individual residing within the State of Texas.
2. I am the Legal Department Manager for Pier 1 Services Company, an affiliate of Defendant Pier 1 Imports (U.S.), Inc. and a subsidiary of Defendant Pier 1 Imports, Inc.
3. I am fully and personally aware of the facts set forth below.
4. At the time of the incident alleged in the Complaint, and presently, Pier 1 Imports, Inc. is a corporation incorporated in the State of Delaware with a principal place of business located at 100 Pier 1 Place, Fort Worth, TX 76102.
5. At the time of the incident alleged in the Complaint, and presently, Pier 1 Imports, (U.S.) Inc. is a corporation and a subsidiary of Pier 1 Imports, Inc.
6. At the time of the incident alleged in the Complaint, and presently, Pier 1 Imports, (U.S.) Inc. is a corporation incorporated in the State of Delaware with a principal place of business located at 100 Pier 1 Place, Fort Worth, TX 76102.

Shannon K. Hester
Shannon K. Hester

Sworn to before me this 3rd day of July, 2012

Janet Holbrook
NOTARY PUBLIC

